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July 29, 2014

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Hon. Nathanael M. Cousins
U.S. Magistrate Judge
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Nextdoor.com, Inc. v. Raj Abhyanker*, No. 3:12-cv-05667-EMC
Hearing on Discovery

Dear Judge Cousins:

We are in receipt of the Court's order moving the hearing on the discovery letter filed Friday June 25, 2014, from tomorrow, June 30, 2014 until Wednesday August 6, 2014. Mr. Abhyanker's counsel, David Lavine, had requested that the June 30 date be rescheduled for personal reasons, suggesting either August 6 or any other date after July 30 of the Court's preference. Dkt. 277. Nextdoor.com has no objection to accommodating his schedule, but delaying a decision until August 6 will cause serious complications.

First, Mr. Abhyanker's deposition is scheduled for August 4. An August 6 hearing gives us no ability to obtain the materials we need before that date. As the Court will recall, this session of Mr. Abhyanker's deposition was ordered to occur after completion of production of documents. While Nextdoor.com would, for its part, be willing to take Mr. Abhyanker's deposition at a later date, he has advised that this is the last (in fact, only) date he is available through Friday September 5, 2014 because of travel to India. Continuing the deposition until September 6, or after, puts the deposition just days before the date for filing dispositive motions, and after the cutoff of expert discovery. Thus, a decision and production before August 4, 2014 would be preferable.

Second, expert reports are due August 8, and the materials sought by the pending motion are needed for those reports. In particular, Abhyanker's withholding of the critical FatdoorDiligenceCD folder, which involves hundreds of separate files, is preventing analysis of their contents and comparison to other suspect documents—a task that will take far more than the two days between August 6 and August 8.

Third, there are two other letter motions that are being teed up for filing within the next 24 hours. The first is a motion to compel production of documents improperly claimed to be privileged in Abhyanker's July 18, 2014 log. The second is a motion to permit Nextdoor.com's expert access to forensic copies of drives which, we were informed for the first time today (and

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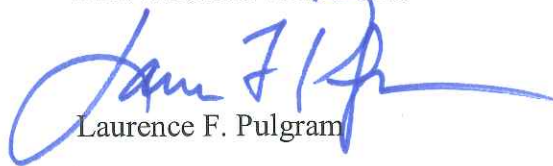
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contrary to representations made on July 11) have not had their deleted items in unallocated space reviewed, and which contain further system data essential to continue to trace fabrication of documents as relevant to Abhyanker's bad faith. These two letter motions are, respectively, awaiting completion of Mr. Abhyanker's portion, and final approval for filing and will be filed today or tomorrow. The materials being withheld are, again needed before the August 4 deposition and August 8 expert cutoff.

Nextdoor.com is committed to continuing to meet and confer. But the timing here is not of our making—either in terms of the delay in production of information which should have been produced from September to April, not in August, nor in terms of Mr. Abhyanker's unwillingness to appear for deposition later than August 4. Accordingly, we respectfully request that, if the Court has room in its schedule for a hearing this week, it convene at that time rather than after Mr. Abhyanker's deposition.

Respectfully,

FENWICK & WEST LLP



Laurence F. Pulgram

LFP: dws

cc: All Counsel